

- (iv) previous history of abuse or deliberate neglect of the child, if any; and
 - (v) the title, full names, surname, physical address and capacity of the person who reported the abuse or deliberate neglect of the child;
- (b) in the case of section 114(2)(b) of the Act relating to convictions on charges involving abuse or deliberate neglect-
 - (i) the child's passport number, where applicable;
 - (ii) the convicted person's alias or nickname, passport number, driver's license number or relevant prisoner identification number, where applicable; and
 - (iii) the particulars of the court in which the trial took place and the case number; and
- (c) in the case of section 114(2)(c) of the Act relating to a finding by a children's court that a child is in need of care and protection because of abuse or deliberate neglect-
 - (i) the child's passport number, where applicable; and
 - (ii) the particulars of the children's court in which the finding was made and the case number.

Inquiries on information in Part A of National Child Protection Register

40.(1) An inquiry by anyone in terms of section 117 of the Act to establish whether or not his or her name appears in Part A of the National Child Protection Register, must be—

- (a) directed to the Director-General;
- (b) contained in a sealed envelope marked confidential;
- (c) accompanied by a certified copy of the affected person's birth certificate, identity document or passport; and
- (d) in a form identical to **Form 26**.

(2) If the person making the inquiry in terms of sub-regulation (1) is a child below the age of 12 years, such child must be assisted in making the inquiry by his or her parent, guardian, care-giver or by a designated social worker, unless it is demonstrated to the

satisfaction of the Director-General that the child is of sufficient maturity to make the inquiry on his or her own.

(3) In furnishing reasons for the inclusion of an affected person's name in Part A of the National Child Protection Register as contemplated in sub-regulation (1)(d), the Director-General must provide-

- (a) particulars regarding the date, time and place of the incident or act that led to the inclusion of the affected person's name in Part A of the National Child Protection Register; and
- (b) a brief description of the incident or act that led to the inclusion.

PART II

PART B OF NATIONAL CHILD PROTECTION REGISTER

Contents of Part B of National Child Protection Register

41. The particulars to be included in Part B of the National Child Protection Register in terms of section 119 of the Act of a person found unsuitable to work with children in terms of section 120 of the Act must be in a form identical to **Form 27**.

Findings to be reported to Director-General

42.(1) (a) A notification contemplated in section 122(1) of the Act must be forwarded to the Director-General within 21 working days of a finding that a person is unsuitable to work with children.

(b) A notification contemplated in sub-regulation (1) must—

- (i) be contained in a sealed envelope marked confidential;
- (ii) indicate whether any appeal or review of the finding has been lodged by the affected person or is likely to be lodged;
- (iii) reflect the particulars, set out in section 119 of the Act and in regulation 41, of the person found in terms of section 120 of the Act to be unsuitable to work with children; and
- (iv) be in a form identical to **Form 28**.

(2) In the event that a relevant administrative forum contemplated in section 122(1) of the Act, has no official or staff member acting in the capacity of registrar or clerk of the court, the person responsible for convening the meeting or hearing of the administrative forum where the finding of the unsuitability of a person to work with children was made must notify the Director-General of the finding as contemplated in section 122 of the Act and sub-regulation (1).

(3) The Court which has considered an appeal against or reviewed a finding that a person is unsuitable to work with children in terms of section 121 of the Act, must notify the Director-General in writing of any successful appeal against or review of such finding within seven days of receiving notice of the outcome of the appeal or review.

(4) Upon receipt of a notice in terms of sub-regulation (3) the Director-General must remove the name and particulars of the relevant person from Part B of the National Child Protection Register forthwith.

Consequences of entry of name in Part B of National Child Protection Register

43. Further to the provisions of section 123(1) of the Act relating to types of prohibited employment or activity of a person whose name appears in Part B of the National Child Protection Register, no such person may-

- (a) be employed or involved in any position, where he or she will be placed in a position of authority, supervision or care of a child;
- (b) be employed or involved in any position, where he or she will be able to gain access to a child or to a place or places where children are present or congregate;
- (c) own or have any economic or business interest in any entity, business concern or trade relating to the supervision or care of a child if such interest would cause that person to have direct access to or would place him or her in a position of authority, supervision or care of a child.

Establishment of information in Part B of National Child Protection Register

44.(1) (a) An inquiry by an employer ("the applicant") in terms of section 126(1) or (2) of the Act to establish whether or not the name of a person ("the affected person") appears in Part B of the National Child Protection Register prior to or during his or her employment, must be –

- (i) directed to the Director-General;
- (ii) contained in a sealed envelope marked confidential;
- (iii) accompanied by an authentic letterhead or other form of appropriate identification of the applicant, duly signed by an authorised representative of the applicant;
- (iv) accompanied by a certified copy of the identity document or passport of the person whose signature is required in terms of subparagraph (iii); and
- (v) in a form identical to **Form 29** which must contain the following particulars–
 - (aa) the name under which the applicant's business is conducted, its physical address, postal address, telephone numbers and any other relevant contact details;
 - (bb) details of the position that will be or is held by the affected person; and
 - (cc) the full names and surname, including any alias or nickname, identity number or passport number or driver's license number, physical address, postal address, telephone numbers and any other relevant contact details of the affected person.

(b) An inquiry by a person ("the affected person") in terms of section 126(3) of the Act to establish whether or not his or her name appears in Part B of the National Child Protection Register, must be –

- (i) directed to the Director-General;
- (ii) contained in a sealed envelope marked confidential;
- (iii) accompanied by a certified copy of the affected person's birth certificate, identity document or passport; and
- (iv) in a form identical to **Form 30** which must contain the following particulars–
 - (aa) the full names, surname, physical address and postal address of the affected person; and

(bb) a request for the furnishing of reasons why the affected person's name was included in Part B of the National Child Protection Register in the event that such an entry is found.

(2) In furnishing reasons for the inclusion of an affected person's name in Part B of the National Child Protection Register as contemplated in sub-regulation (1)(b)(iv)(bb), the Director-General must give—

- (a) particulars regarding the date, time and place of the incident or act that led to the inclusion of the affected person's name in Part B of the National Child Protection Register; and
- (b) a brief description of the incident or act that led to the inclusion.

(3) The Director-General must respond to an inquiry in terms of sub-regulation (1) within the periods referred to in section 126(5) of the Act by way of a form determined by the Director-General.

(4) The Director-General must, upon each entry of a person's name in Part B of the National Child Protection Register as being unsuitable to work with children, notify the affected person of such entry in writing within 21 working days of such entry by way of a form determined by the Director-General.

Removal of name from National Child Protection Register

45.(1) (a) An application to the Director-General for the removal of a person's name and information from Part B of the National Child Protection Register based on an erroneous entry as contemplated in section 128(2)(b) of the Act must be accompanied by an affidavit by such person and must be in a form identical to **Form 31**.

(b) The Director-General must notify the applicant of the outcome of an application contemplated in paragraph (a) within 21 working days of receipt of the application by way of a form determined by the Director-General.

(2) An application to a court for the removal of a person's name and any information relating to that person from Part B of the National Child Protection Register in terms of

section 128(3) of the Act, unless the application is based on an erroneous entry of that person's name and information in the National Child Protection Register—

- (a) must be accompanied by proof of the rehabilitation of that person, which must include—
 - (i) a report, obtained at the applicant's own cost, compiled by a psychologist or psychiatrist duly registered or deemed to be registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), or a social worker registered in terms of the Social Service Professions Act, 1978, to the effect that the applicant has been rehabilitated and is unlikely to commit another act or offence similar to that which has led to the inclusion of the applicant's name in Part B of the National Child Protection Register;
 - (ii) an outline of the steps taken by the applicant to rehabilitate himself or herself since the time of entry of the applicant's name in Part B of the National Child Protection Register;
 - (iii) an official document obtained from the South African Police Service confirming that the applicant has not been convicted of any offence in relation to a child during the period that the applicant's name had been included in Part B of the National Child Protection Register up until the time of making the current application; and
 - (iv) an affidavit by the applicant that no proceedings with regard to the maltreatment, abuse, deliberate neglect or degradation of a child are pending against him or her in any court or administrative forum at the time of making the current application; and
- (b) may only be lodged, in the case where that person—
 - (i) has been convicted of an offence in relation to a child, which conviction gave rise to the inclusion of that person's name in Part B of the National Child Protection Register, and sentenced to –
 - (aa) a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as

- contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, for a period of at least six months without the option of a fine, whether the sentence was suspended or not, after a period of 10 years has lapsed after that person has been released from prison or the period of suspension has lapsed;
- (bb) a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, for a period less than six months without the option of a fine, whether the sentence was suspended or not, after a period of seven years has lapsed after that person has been released from prison or the period of suspension has lapsed;
- (cc) any other form of lesser punishment or compliance with an order of court, after a period of five years has lapsed since the inclusion of that person's particulars in Part B of the National Child Protection Register;
- (ii) is alleged to have committed an offence in relation to a child, which alleged offence gave rise to the inclusion of that person's name in Part B of the National Child Protection Register, in respect of whom a court has made a finding and given a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, after a period of five years has lapsed after that person has recovered from the mental illness or mental defect in question and is discharged in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), from any restrictions imposed upon him or her.

(3) In considering an application in terms of section 128(3) of the Act and sub-regulation (2), the court -

- (a) may direct the applicant to submit such other information as the court may consider necessary in order to satisfy it that the applicant has been rehabilitated;
- (b) may require the applicant to be evaluated by an additional registered psychologist or psychiatrist or social worker designated by the court, at the applicant's own cost or at state expense in the case of an indigent applicant;
- (c) may have regard to evidence submitted by or on behalf of the victim of the incident or act that led to the inclusion of the applicant's name in Part B of the National Child Protection Register; or
- (d) may cause the application to be investigated by a designated social worker, psychologist or psychiatrist; and
- (e) must have due regard to the provisions of section 128(4) of the Act

(4) The clerk or registrar of the court, as the case may be, must notify the Director-General in writing, in a form identical to **Form 32**, of the finding of the court regarding an application for the removal of a person's name and information from Part B of the National Child Protection Register within 14 days of such finding, upon which the Director-General, if the application for removal had been successful, must cause the name and information to be removed forthwith.

(5) The Director-General must notify each person of the removal of his or her name and information from Part B of the National Child Protection Register upon the direction of a court within 14 working days of such removal by way of a form determined by the Director-General.

Updating of information in Part B of National Child Protection Register

46. A person whose name has been included in Part B of the National Child Protection Register and who has been duly informed of such inclusion in terms of

section 127(3) of the Act, must notify the Director-General of any change in his or her name or names, sex, identity number, physical or postal address within 14 days of such change.

CHAPTER 8

PROTECTIVE MEASURES RELATING TO HEALTH OF CHILDREN

(Section 129 of the Act)

Consent by Minister to medical treatment of or surgical operation on child in certain circumstances

47. An application to the Minister for the Minister to consent to the medical treatment of or surgical operation on a child in terms of section 129(7) and (8) of the Act must be made in writing in a form identical to **Form 33**.

Consent by child to performance of surgical operation

48.(1) Consent by a child to the performance of a surgical operation must be completed in writing by the person performing such operation or by a representative of the institution at which such operation is going to be performed, and signed by the child and must be furnished in a form identical to **Form 34**.

(2) A parent or guardian who duly assists a child to consent to the performance of a surgical operation on such child must assent to this in writing on the same form contemplated in sub-regulation (1).

Consent to surgical operation of child where parent is a child below 18 years of age

49. The parent or guardian of a child parent who duly assists such child parent to consent to the performance of a surgical operation on the child concerned, must assent to this in writing in a form identical to **Form 35**.

CHAPTER 9
OTHER PROTECTIVE MEASURES
(Section 137 of the Act)

Duties of supervising adult in relation to child-headed households

50. An adult designated in terms of section 137(2) of the Act to supervise a recognised child-headed household must, subject to the provisions of section 137(6) of the Act—

- (a) facilitate psychological, social and emotional support to all members of that household when required;
- (b) ensure that all members of that household who are by law required to attend school or who are required to attend an appropriate education programme, do so;
- (c) assist with the supervision of homework of members of that household;
- (d) educate the members of that household with regard to basic health and hygiene and, if possible, sexually transmitted infections depending on the age and maturity of the child;
- (e) assist with the health care requirements of any member of that household, including the supervision of the taking of medicine and assistance to members with disabilities and ensuring that the children access health care facilities and that their health needs are met;
- (f) assist the members of that household with legal documentation when required;
- (g) compile a roster indicating the responsibility of various members of that household in relation to domestic chores in consultation with the members of the household to prepare children for independent living;
- (h) in consultation with a social worker or a social service professional, attempt to reconnect the members of the household with their parents or relatives and supervise contact between the

- children and relatives or parents where it is deemed appropriate by the social worker or social service professional;
- (i) engage the members of that household in issues that affect the household;
 - (j) ensure proper provision of resources due to that household, if any, in terms of section 137(5)(a) of the Act for that household's basic needs;
 - (k) ensure, subject to paragraph (j), proper utilisation of available resources and adherence to a financial budget;
 - (l) keep record of all expenditure of that household;
 - (m) utilise available and applicable child protection services to ensure the safety and well-being of the members of that household if and when required;
 - (n) assist the member heading that household with his or her responsibilities;
 - (o) be available to a child when the child requires services after hours;
 - (p) report incidents of abuse to the relevant authority in a form identical to **Form 22**; and
 - (q) report any death within that household to a police official and to the provincial head of social development.

Accountability of supervising adult regarding administration of money

51.(1) An adult designated in terms of section 137(2) of the Act must, for purposes of accountability—

- (a) in consultation with the members of such household, bearing in mind the varying financial needs of different members of such household, develop a monthly expenditure plan reflecting available financial resources and payment;
- (b) ensure that the monthly expenditure plan is signed by the child at the head of such household; and
- (c) submit the monthly expenditure plan, duly signed as contemplated in paragraph (b), to an organ of state or a non-governmental

organisation, as the case may be, which designated the adult to supervise the child-headed household, together with the original documents, receipts, invoices and other documentation that may serve as proof of the expenditure incurred.

(2) The organ of state or a non-governmental organisation which designated the adult referred to in sub-regulation (1) may, upon the absence of a counter-signature as contemplated in that sub-regulation or, if there is reason to believe that there is a misappropriation or maladministration of money, cause the matter to be investigated and may take the steps that may be required by the circumstances, including the institution of criminal charges against that adult and the replacement of the adult by another supervising adult.

CHAPTER 10

PREVENTION AND EARLY INTERVENTION

(Sections 143 – 149 of the Act)

National norms and standards for prevention and early intervention programmes

52. The national norms and standards for prevention and early intervention programmes contemplated in section 147 of the Act are contained in **Part IV of Annexure B**.

CHAPTER 11

CHILDREN IN NEED OF CARE AND PROTECTION

(Sections 150 – 160 of the Act)

Removal of child to temporary safe care

53. (1) A person authorised by a court order, a designated social worker or a police official who removes a child and places such child in temporary safe care-

- (a) in terms of a children's court order contemplated in section 151(2) of the Act; or
- (b) without a court order in terms of section 152(1) of the Act,

must complete a form identical to **Form 36** and submit it to the temporary safe care as soon as is practicable.

- (2) The person or police official referred to in sub-regulation (1) must –
- (a) give the relevant parent, guardian, care-giver, next of kin, social worker, religious counsellor, medical practitioner, psychologist, psychiatrist, legal representative, child and youth care worker or any other person, approved by the designated social worker, access to the child at all reasonable times, subject to the terms of the court order and provided that such access is in the best interests of the child; and
 - (b) notify the designated social worker immediately of any difficulties with such placement and of any change in the child's residential address.

Bringing of child before children's court to decide whether child is in need of care and protection

54. (1) A child –

- (a) whose placement in temporary safe care has been confirmed by a presiding officer; or
- (b) who is not in temporary safe care but is the subject of an investigation as to whether he or she is in need of care and protection,
- (c) who is a victim of trafficking and has been returned to the Republic as contemplated in section 286(1) of the Act; or
- (d) who is a victim of trafficking and is found in the Republic as contemplated in section 289(1) of the Act,

must be brought or caused to be brought before the children's court of the district where the child resides, is found or happens to be, by a designated social worker or, in the case of a child referred to in paragraph (b), be brought by his or her parent, guardian or care-giver for a decision on whether the child is in need of care and protection by not later than 90 days after –

- (i) the removal of the child to temporary safe care, in the case of a child contemplated in paragraph (a);

- (ii) the commencement of the investigation, in the case of a child contemplated in paragraph (b);
- (iii) the date of return of the child to the Republic, in the case of a child contemplated in paragraph (c); or
- (iv) the date upon which the child was found in the Republic, in the case of a child contemplated in paragraph (d).

(2) The parent, guardian or care-giver of a child as contemplated in sub-regulation (1)(a), (b) or (c) must be notified by the clerk of the court to attend proceedings of the children's court where a decision will be made as to whether the child is in need of care and protection in a form identical to **Form 37**.

Report by designated social worker

55.(1) A report by a designated social worker compiled in terms of section 155(2) of the Act must be in a form identical to **Form 38** and must—

- (a) contain an introduction and personal details of the social worker;
- (b) reflect a history of and background to the matter to be decided by the children's court;
- (c) give reasons for the removal of the child, if applicable;
- (d) address any relevant factors referred to in section 150 of the Act;
- (e) contain details of previous interventions and family preservation services that have been considered or attempted;
- (f) contain an evaluation of the matter to be decided by the children's court;
- (g) indicate whether, after investigation, the child concerned is considered to be in need of care and protection;
- (h) contain a recommendation as to which order or orders in terms of section 156 of the Act, including an order in terms of section 46 of the Act, would be appropriate to the child;
- (i) list sources of information;
- (j) contain recommendations, where necessary, regarding measures to assist the child's parent, guardian or care-giver, including-
 - (i) counselling;
 - (ii) mediation;

- (iii) prevention and early intervention services;
- (iv) family reconstruction and rehabilitation;
- (v) behaviour modification;
- (vi) problem solving; and
- (vii) referral to another suitably qualified person or organisation;
- (k) contain an assessment of the therapeutic, educational, cultural, linguistic, developmental, socio-economical and spiritual needs of the child; and
- (l) address any written request by a presiding officer to the designated social worker concerned.

(2) A permanency plan must explore the following options, taking into account that the first option is the most desirable and the last option the least desirable:

- (a) If the child is to be removed from the care of his or her parent, guardian or care-giver, the possibility of placing the child in foster care with relatives or non-relatives as geographically close to the parent or care-giver as possible to encourage visiting by the parent or care-giver;
- (b) the possibility of adoption of the child by relatives;
- (c) the possibility of a relative or relatives obtaining guardianship of the child;
- (d) the possibility of adoption of the child by non-relatives, preferably of similar ethnic, cultural and religious backgrounds; or
- (e) the possibility of placing the child in foster care with relatives or non-relatives or with a cluster foster care scheme.

(3) A permanency plan approved by a children's court must, unless the children's court, in terms of section 157(1)(b)(v) of the Act, directs otherwise, be evaluated by the social worker concerned within six months of its implementation and thereafter at intervals of six months with a view to establishing, unless he or she had been adopted or placed in foster care, whether the child may be returned to the care of his or her parent or care-giver.

Abandoned or orphaned children

56.(1) If it appears to a designated social worker that a child has been abandoned or orphaned, whether for purposes of determining if such child is in need of care and protection or if such child can be made available for adoption, such social worker must cause an advertisement to be published in at least one local newspaper circulating in the area where the child has been found calling upon any person to claim responsibility for the child.

(2) In determining whether a child has been abandoned or orphaned for purposes of section 150(1)(a) of the Act, a presiding officer must-

- (a) be satisfied that the child has been abandoned or orphaned ;
- (b) be furnished with a copy of the advertisement contemplated in sub-regulation (1) and be satisfied that, for the purposes of-
 - (i) section 150(1)(a) of the Act, a period of at least one month has lapsed since the publication of the advertisement; or
 - (ii) section 157(3) of the Act, a period of at least three months has lapsed since the publication of the advertisement,
 and that no person has claimed responsibility for the child;
- (c) have regard, in the case of an orphaned child, to the death certificate or certificates of the child's parent or parents, guardian or care-giver, obtained by the social worker concerned, or, if such certificate cannot be obtained, to an affidavit by a person or persons who can testify to the death of the child's parent, guardian or care-giver; and
- (d) have regard, in the case of an abandoned child, to an affidavit, setting out the steps taken to trace the child's parent, guardian or care-giver, by the social worker concerned to the effect that the child's parent, guardian or care-giver cannot be traced and an affidavit by any other person, if any, who can testify to the fact that the child has had no contact with his or her parent, guardian or care-giver for a period of at least three months.

CHAPTER 12
ALTERNATIVE CARE
(Sections 167 – 179 of the Act)

Manner and criteria for approval of person, facility, place or premises for temporary safe care

57.(1) Subject to sub-regulation (2), approval to provide temporary safe care to a child must be in writing in a form identical to **Form 39** a copy of which must be handed to the relevant person, the head of the relevant place, facility or premises immediately upon approval.

(2) Approval to provide temporary safe care to a child may not be granted to a person, facility, place or premises unless the relevant provincial head of social development or the person authorised to grant approval is satisfied that-

- (a) the child will be cared for in a healthy, hygienic and safe environment in line with the reasonable standards of the community where the temporary safe care is to be provided;
- (b) the child will be provided with adequate nutrition and sleeping facilities;
- (c) the person responsible for providing the child with temporary safe care has not been found to be unsuitable to work with children in terms of section 120 of the Act and is willing to provide such care;
- (d) the area in which the child is to be placed in temporary safe care will not be severely disruptive to the child's daily routine; and
- (e) care will be provided in accordance with the definition of "care" in section 1 of the Act.

Limitations and conditions for leave of absence of child from alternative care

58.(1) Leave of absence may, subject to sub-regulation (2), be granted to a child in alternative care in terms of section 168(1) of the Act at any time and for a period not exceeding six weeks at any given moment.

- (2) No leave of absence may be granted to a child in alternative care—
- (a) unless the leave will serve the best interests of the child;
 - (b) unless suitable arrangements for the accommodation, care and supervision of the child have been made by a social worker for the duration of the child's leave; and
 - (c) where such leave is based only on staff shortages or on an absence of developmental programmes at a child and youth care centre during the holiday period.

Fees payable on transfer or provisional transfer of child in alternative care

59.(1) For the purposes of section 171(1) of the Act, the monthly fees payable by a provincial department of social development in respect of a child in alternative care in that province, must, upon transfer of that child to a child and youth care centre, or a person in whose care or temporary safe care that child has been placed in that province, be paid by the provincial department of social development to a child and youth care centre, or a person in whose care or temporary safe care that child has been transferred and placed.

(2) The fees referred to in sub-regulation (1) are payable from the date of arrival of the child at the person or centre referred to in that sub-regulation.

(3) For the purposes of section 171(2) of the Act, the monthly fees payable by a provincial department of social development in respect of a child in alternative care in that province ("sending province"), must, upon transfer of that child to a child and youth care centre or to a person in another province ("receiving province"), be terminated by the sending province and must be paid, in accordance with the rates applicable in the receiving province.

(4) The fees referred to in sub-regulation (3) are payable from the date of arrival of the child in the receiving province, by the provincial department of social development in such other province until the child is transferred, removed or discharged from the child and youth care centre or from the care of a person in such other province.

Procedures before issue of notice of provisional transfer of child from alternative care

60.(1) The procedure for assessing the best interest of the child before the issue of a notice of provisional transfer of the child from alternative care as contemplated in section 174(1) of the Act comprises of an assessment-

- (a) which must be conducted by a designated social worker in consultation with —
 - (i) the parent, guardian or care-giver of the child or the person in whose custody the child had been prior to placement in alternative care, if available, and provided that their parental responsibilities and rights have not been terminated; or
 - (ii) the foster parent, the head of the child and youth care centre or the head of the facility, place or premises where the child had been placed in temporary safe care, as the case may be; and
 - (iii) the child himself or herself; and
- (b) which must take account of—
 - (i) the child's basic need for love, parental care and permanent family life;
 - (ii) the child's need for protection and security;
 - (iii) the child's physical and psychological well-being;
 - (iv) the ascertainable wishes and feelings of the child, considered in the light of his or her age and understanding;
 - (v) the likely effect on the child of any changes in his or her circumstances;
 - (vi) the child's age, sex, background and any individual characteristics;
 - (vii) the harm which the child has suffered; and
 - (viii) the capability of the child's immediate family or family members to meet the child's needs; and
- (c) the outcome of which must be contained in a report that addresses all factors referred to in paragraph (b).

(2) Before a child can be reunited with his or her immediate family or other family members and a notice of provisional transfer of the child from alternative care as contemplated in section 174(1) of the Act can be issued a designated social worker rendering family reunification services, must compile a report in consultation with-

- (a) the parent, guardian or care-giver of the child or the person in whose custody the child had been prior to placement in alternative care;
- (b) the foster parent, the head of the child and youth care centre or the head of the facility, place or premises where the child had been placed in temporary safe care, as the case may be; and
- (c) the child himself or herself; and

(3) A report contemplated in sub-regulation (2) must -

- (a) be based on the developmental assessment of the child and his or her ecological circumstances, and which report must reflect the existing and future individual developmental and permanency plans for the child to meet developmental and permanency goals as stipulated in the plans;
- (b) reflect the incidence of parental contact or contact by relatives with the child during the period of his or her placement in alternative care; and
- (c) include a fully motivated recommendation-
 - (i) on the possibility or desirability of reunifying the child with his or her immediate family or other family members; and
 - (ii) if family reunification is desirable, on the nature of activities which can be employed to promote an environment conducive to the development of the strengths and skills of the parent, guardian, care-giver, family members and the child.

(4) The reports contemplated in sub-regulations (1)(c) and (2) may be combined in a single report and must be submitted to the provincial head of social development as soon as possible.

Procedure before issue of notice of discharge of child from alternative care

61. The procedure for assessing the best interest of the child and for the reunification of the child with his or her immediate family or other family members as prescribed in

regulation 60 apply with the necessary changes required by the context in respect of the discharge of a child from alternative care.

Manner in which children in alternative care must be transferred or provisionally transferred, their residential care programmes changed, be removed or permanently discharged from alternative care

62.(1) A child in alternative care—

- (a) who is to be transferred from a child and youth care centre or person to another child and youth care centre or person in terms of section 171 of the Act;
- (b) whose residential care programme has been changed and is to be transferred to another child and youth care centre or person in terms of section 172 of the Act;
- (c) who is to be removed from current alternative care to a specified place of temporary safe care in terms of section 173 of the Act;
- (d) who is to be provisionally transferred to another form of care in terms of section 174 of the Act; or
- (e) who is to be discharged from alternative care in terms of section 175 of the Act,

must be accompanied by a social worker, social service professional or escort, who must, be employed by the provincial department of social development or by an designated child protection organisation.

(2) The travel arrangements for the child and the social worker, social service professional or escort for the purposes of sub-regulation (1) must be made by the child and youth care centre, or a person in whose care or temporary safe care the child is or the provincial department of social development.

(3) The costs related to the transport of a child in terms of this regulation, including the costs of an escort, must be paid for out of funds made available for this purpose by the provincial department of social development.

(4) A child who is being transported in terms of this regulation—

- (a) may not be transported in the back of a marked police vehicle;
- (b) must be allowed such reasonable breaks as may be required given the distance that is to be travelled;
- (c) must have access to water and food if the distance to be travelled exceeds 100 kilometres; and
- (d) must be given access to adequate overnight facilities, shelter and food in the event that the distance to be travelled requires staying over.

Manner in which applications for extension of alternative care beyond 18 years of age are to be made

63. An application for the extension of placement in alternative care as contemplated in section 176(2) of the Act must be made in terms of regulation 28(3)(d) of the Regulations relating to the application for and payment of social assistance and the requirements or conditions in respect of eligibility for social assistance made under the Social Assistance Act 2004 (Act No. 13 of 2004).

Serious injury, abuse or death of child in alternative care

64. Serious injury, abuse or death of any child in alternative care must be reported in terms of section 178(1) or (2) of the Act in a form identical to **Form 40**.

CHAPTER 13

FOSTER CARE

(Sections 180 – 190 of the Act)

PART I

FOSTER CARE

Responsibilities of foster parents

65.(1) A foster parent has the responsibility of providing for the day to day needs of a foster child placed in his or her care, in accordance with the definition of "care" in section 1 of the Act, which includes the responsibility to-

- (a) ensure that any social assistance or financial contribution from the child's biological parent or parents is used towards the upbringing of the child and in the child's best interests;
- (b) not obstruct contact between the foster child and his or her biological family members and other persons with an interest in the well-being and development of the child, including contact as provided for in any foster care plan or order of court assigning parental responsibilities and rights referred to in section 188(1)(d) or (e) of the Act, if such contact is in the best interests of the child and if those biological family members and other persons are available for the purposes of maintaining contact with the child;
- (c) ensure that if the child is of school-going age, he or she attends school on a regular basis;
- (d) co-operate with a designated child protection organisation or designated social worker towards the eventual re-unification of the child with his or her biological parents or family members, as the case may be, where this is indicated in the permanency plan;
- (e) co-operate with a designated child protection organisation or designated social worker in any review of the possible extension of the foster care order;
- (f) permit a designated child protection agency or designated social worker to have access to his or her home and to the child concerned, for the purposes of monitoring of the foster care placement, provision of reunification services, review of the foster care order or for any other matter relevant to the foster care placement;
- (g) respect the views of the child and generally promote his or her well-being, best interests and physical, emotional and social development, and, where applicable, participation in early childhood development programmes;
- (h) guide the behaviour of the child in a humane manner and not impose any form of physical violence or punishment, or humiliating or degrading forms of discipline;

- (i) where a foster care plan has been formulated in accordance with section 188(1)(e) of the Act, comply with the provisions of such plan;
- (j) ensure that where the child is from a different cultural, linguistic or religious background, the child is assisted to maintain links with his or her culture, language or religion; and
- (k) ensure that the child is treated in a manner substantially similar to other children living in the same household, except where the special needs of that child or any other child in the household require otherwise.

(2) A foster parent must notify the designated social worker or designated child protection organisation, as the case may be, of any change of address.

(3) A foster parent may not designate the day to day care of a foster child to any other person for a continuous period of one week without agreeing thereto with the designated social worker or designated child protection organisation.

(4) A foster parent must notify the designated social worker or designated child protection organisation, as the case may be, within 14 days, of any material changes in his or her living circumstances, or his or her family's living circumstances, which are likely to have a material effect on the foster placement.

Rights of foster parents

66.(1) A foster parent has the right to take all day to day decisions necessary for the care, upbringing and development of the foster child in his or her care.

(2) A foster parent has the right to reasonable privacy of home life, and not to be subjected to threats, harassment and undue intrusions upon the exercise of his or her foster care responsibilities by biological parents or family members of the foster child.

(3) A foster parent has the right to be informed by the designated social worker or the designated child protection organisation, as the case may be, of any fact or

occurrence that may substantially affect the foster placement of the child in his or her care.

(4) A foster parent has the right to apply for the adoption of the child and has the right to be informed of any application to adopt the foster child in his or her care.

(5) A foster parent may give notice that he or she has been informed of a pending application for the adoption of a foster child in his or her care, and that he or she does not wish or is unable to adopt the child or to submit an application for the adoption of the foster child, in a form identical to **Form 41**.

(6) A foster parent has the right to ongoing training and support from a social worker in order to enable such foster parent to deal effectively with a foster child and the child's biological parents.

(7) A foster parent has the right to be informed about any investigation or assessment of his or her psycho-social background.

(8) A foster parent has the right to be informed about the foster child's educational history, assessments and achievements to ensure the foster child's optimal educational needs.

PART II

CLUSTER FOSTER CARE

Requirements for approval of organisation to manage and provide cluster foster care

67. No organisation shall manage any cluster foster care scheme unless such organisation –

- (a) is registered as a non-profit organisation in terms of the Non-profit Organisations Act, 1997 (Act No. 71 of 1997); and
- (b) has been approved by the provincial head of social development to provide cluster foster care.

Requirements for registration as cluster foster care scheme

68. (1) Any organisation contemplated in section 183(1)(a) of the Act that wants to operate or manage a cluster foster care scheme must apply for that scheme to be registered with the provincial department of social development in a form identical to **Form 42**.

(2) Upon granting an application contemplated in sub-regulation (1) the provincial head of social development must issue to the applicant a certificate of registration in a form identical to **Form 43** and may impose such conditions as he or she deems necessary or expedient.

(3) In rejecting an application for registration of a cluster foster care scheme, the provincial head of social development must duly inform the applicant of the rejection in a form identical to **Form 44** by registered post and must furnish written reasons for such rejection.

(4) Where a non-profit organisation seeks registration for more than one cluster foster care scheme such organisation must complete a form in respect of each scheme.

(5) A head of a provincial department of social development may deregister a registered cluster foster care scheme if such scheme has failed to comply with any condition of registration or if such a scheme has failed to comply with any requirement for registration, provided that 90 days notice is given to the cluster foster care scheme in a form identical to **Form 45** of the intention to deregister such scheme.

(6) A cluster foster care scheme which has received a notice contemplated in sub-regulation (5) may make representations to the head of the department of social development of that province in a form identical to **Form 46** within the 90 days notice contemplated in sub-regulation (5).

(7) If a cluster foster care scheme is deregistered as contemplated in sub-regulation (5) after consideration of the representations contemplated in sub-regulation (6), the

scheme must be notified thereof, together with the reasons for such decision, in a form identical to **Form 47**.

Functioning and management of cluster foster care scheme

69.(1) A non-profit organisation managing or operating a registered cluster foster care scheme must, in respect of schemes under its management or operation -

- (a) keep proper financial records of all social assistance and other monies received for the provision of social services for the support of the foster children placed in such scheme by a children's court; and
- (b) operate or be managed according to a written plan or agreement containing details-
 - (i) of the financial management, the programmes and services to be delivered in terms of that plan or agreement.
 - (ii) about the system of assessment of children placed in cluster foster care and their placement with active members of the scheme who are to be assigned responsibility for them;
 - (iii) on how disputes concerning the management, operation or day to day functioning of the scheme are to be resolved, and how decisions are to be taken regarding transfer of children between, or placement with, foster parents who are active members of the scheme assigned responsibility for foster children;
 - (iv) on the management of the behaviour of children in cluster foster care, and must include a prohibition of physical punishment, humiliating or degrading forms of discipline of such children; and
 - (v) relating to mechanism by which foster children in a cluster foster care scheme can record any complaint regarding abuse or exploitation.

(2) An organisation contemplated in sub-regulation (1) must submit to the provincial head of social development an annual report containing-

- (a) an annual financial report of income received and expenditure incurred;
- (b) a report on the number of children and duration of each child placed in cluster foster care over the annual period;

- (c) a report on the number of children allocated per active member of an organisation contemplated in section 183(1)(a) of the Act;
- (d) a report on the number of active members of the organisation providing foster care to whom responsibility for the foster care of the children in the scheme have been assigned;
- (e) the number of active members per physical address and details concerning any transfer of children between active members;
- (f) details of child protection services rendered and in respect of which children in the cluster foster care scheme these services have been rendered;
- (g) details concerning the delivery of programmes or support to children in cluster foster care or to active members of the organisation providing foster care to whom responsibility for the foster care of the children in the scheme have been assigned;
- (h) any detail concerning the provision of services to meet the needs of children with special needs;
- (i) the extent to which the rights of children in cluster foster care have been met; and
- (j) achievements and challenges.

(3) An organisation contemplated in sub-regulation (1) must ensure that clearance certificates, to the effect that the names of any active members providing foster care to children in the scheme do not appear in Part B of the Register or the National Register for Sex Offenders, issued by the Director-General and the Director-General of Justice and Constitutional Development, respectively.

- (4) An organisation contemplated in sub-regulation (1) must have-
- (a) in its employ at least one person registered as a social worker with the Council for Social Services Professions for every 50 children served by the cluster foster care scheme or schemes that it manages or operates; or
 - (b) entered into a formal agreement with a designated child protection organisation to provide the required social work services.

(5) An organisation contemplated in sub-regulation (1) must ensure that the transfer of children between foster parents who are active members of that organisation is carried out in accordance with the procedure determined in section 171 of the Act.

Contents of written plan or agreement

70. A written plan or agreement contemplated in regulation 69(1)(b) may include details in respect of—

- (a) visits by the manager or his or her designated subordinate from an organisation contemplated in section 183(1)(a) of the Act to the household of an active member of such organisation to whom responsibility for foster care of the child has been assigned;
- (b) the roles and responsibilities of active members of the organisation to whom responsibility for foster care of a child has been assigned; and
- (c) cost saving mechanisms to be adopted to the benefit of the children in the cluster foster care scheme.

Provision of services by cluster foster care scheme

71. A cluster foster care scheme must promote the best interests of the children in cluster foster care by providing services which—

- (a) provide support, mentoring, supervision and advice to active members of an organisation to whom responsibility for foster care of a child or children in the cluster foster care scheme has been assigned;
- (b) require the active members of an organisation to whom responsibility for foster care of children has been assigned to:
 - (i) ensure that the children in cluster foster care benefit from educational and health services, including early childhood development services;
 - (ii) fulfil the special needs of any child in cluster foster care, including chronic illness or a disability, by providing

- psychological, rehabilitation and therapeutic programmes for children with such needs;
- (iii) ensure that the rights of children in cluster foster care are respected, protected, promoted and fulfilled; and
- (iv) fulfil the social, cultural and religious needs of any child in cluster foster care.
- (c) assist the active members of an organisation to whom responsibility for foster care of children has been assigned to obtain the basic necessities of life themselves, including by providing access to income-generation projects and skills development programmes as appropriate;
- (d) ensure that a foster care plan as contemplated in section 188(1) (e) of the Act is compiled in respect of each child in cluster foster care, as soon as possible, but not later than 21 days after the child's placement in the cluster foster care scheme;
- (e) develop appropriate parenting skills and the capacity of active members of an organisation to safeguard the well-being of the children, including the promotion of positive, non-violent forms of discipline;
- (f) prevent the neglect, exploitation, abuse, inadequate supervision of children or other failures to meet children's needs on the part of active members of an organisation;
- (g) assist a young person with the transition when leaving cluster foster care after reaching the age of 18; and
- (h) involve active members of an organisation, as well as the children in cluster foster care, in identifying and seeking solutions to their problems.

CHAPTER 14
CHILD AND YOUTH CARE CENTRES
(Sections 191 – 212 of the Act)

National norms and standards for child and youth care centres

72. The national norms and standards for child and youth care centres contemplated in section 194 of the Act are contained in **Part V of Annexure B**.

Rights of children in child and youth care centres

- 73.** Every child who is cared for in a child and youth care centre has the right to-
- (a) be informed promptly, in a language which he or she understands, of the reason for his or her admission or detention, as the case may be;
 - (b) have his or her parent, guardian, next of kin or significant other person informed, within 48 hours of admission, of the place to which he or she has been admitted or in which he or she is being detained, as the case may be, and of the reason for his or her admission or detention, as the case may be;
 - (c) regular communicate with and be visited by his or her parent or parents, guardian, next of kin, social worker, probation officer, case manager, religious counsellor, health care professional, psychologist, legal representative, child and youth care worker, unless a court order or his or her care or development programme indicates otherwise or unless he or she chooses otherwise.
 - (d) adequate nutrition, clothing, nurturing and to be given the same quality of care as other children in the child and youth care centre;
 - (e) be consulted and to express his or her views, according to his or her abilities, about significant decisions affecting him or her;
 - (f) reasonable privacy, possession and protection of his or her personal belongings;
 - (g) be informed that prohibited items in his or her possession may be removed and withheld;

- (h) be informed of the behaviour that is expected of him or her by service providers, the consequences of his or her failure to meet the expectations of service providers, and assistance that he or she can expect from the service providers regarding the attaining of such behavioural expectations;
- (i) care and intervention which respects, protects and promotes his or her cultural, religious, linguistic heritage and the right to learn about and maintain this heritage;
- (j) positive discipline appropriate to the his or her level of development;
- (k) education or training appropriate to his or her level of maturity, aptitude and ability;
- (l) respect and protection from exploitation and neglect;
- (m) opportunities of learning and developing his or her capacity to demonstrate respect and care for others;
- (n) the necessary support and to an interpreter if language or disability is a barrier to consulting with them on decisions affecting his or her custody or care and development;
- (o) privacy during discussions with people referred to in paragraph (c) unless a court order or his or her care or development programme indicates otherwise or unless he or she chooses otherwise; and
- (p) have access to community activities and structures unless a court order or his or her care or development programme indicates otherwise.

Complaints procedure in child and youth care centre

74. (1) Each child and youth care centre must have a written complaints procedure, approved by the centre's management board, which must –

- (a) be appropriate to the age and stage of development of the children residing at the centre;
- (b) allow for children to complain about particular incidents or staff members;
- (c) be accessible to the children;
- (d) be structured in such a manner that it does not cause conflict;
- (e) encourage restorative justice interventions, where appropriate; and

- (f) allow for fair procedures for those who have allegations made against them.
- (2) A child must, upon admission to the centre, be informed of the complaints procedure.

Core components and implementation of programmes relating to the developmental, therapeutic and recreational needs of children.

75. (1) The core components of programmes to meet the developmental, therapeutic and recreational needs of children at a child and youth care centre are-

- (a) with regard to developmental programmes –
 - (i) life skills;
 - (ii) independent living for children disengaging from the residential care programme;
 - (iii) victim empowerment;
 - (iv) family preservation;
 - (v) after care;
 - (vi) promotion of the rights of children; and
 - (vii) income generating activities.
- (b) with regard to therapeutic programmes –
 - (i) developmental assessment;
 - (ii) psycho-social support;
 - (iii) individual counselling;
 - (iv) group counselling;
 - (v) trauma counselling;
 - (vi) grieve counselling;
 - (vii) play therapy;
 - (viii) family therapy including parenting plans, stress management, conflict resolution, positive communication, positive discipline and behaviour change; and
 - (ix) counselling to children in child labour, commercial sexual

exploitation and child trafficking.

(c) with regard to recreational programmes –

- (i) sport;
- (ii) art;
- (iii) drama;
- (iv) dancing;
- (v) singing; and
- (vi) board games

(2) In order to implement the programmes referred to in sub-regulation (1) the following must be done -

- (a) a strategy for implementation must exist;
- (b) the programmes must be approved by the provincial head of social development;
- (c) quality assurance of the programmes must be undertaken;
- (d) impact assessment of programmes must be undertaken;
- (e) programmes must be evaluated and reviewed; and
- (f) awareness of the availability of programmes must be raised.

Behaviour management in child and youth care centres

76.(1) The manager and staff of a child and youth care centre must promote approaches to positive discipline by—

- (a) ensuring that children are provided with the skills and support which enable constructive and effective social behaviour;
- (b) demonstrating the expected behaviour by modelling this in their attitudes and interactions with the children;
- (c) ensuring that children feel respected, and physically, emotionally and socially safe when service providers provide positive discipline; and

- (d) ensuring, through programmes and effective role modelling, that children are given opportunity and encouragement to demonstrate and practise positive behaviour.
- (2) The following behaviour management actions are expressly prohibited:
- (a) Group punishment for individual behaviour;
 - (b) threats of removal, or removal from a programme;
 - (c) humiliation or ridicule;
 - (d) physical punishment;
 - (e) deprivation of basic rights and needs such as food and clothing;
 - (f) deprivation of access to family members or significant other persons;
 - (g) denial, outside of the child's specific development plan, of visits, telephone calls or correspondence with family members and significant other persons;
 - (h) isolation, except for medical reasons, from service providers or other children admitted to the place of care, other than for the immediate safety of those children or those service providers only after all other possibilities have been exhausted and then under strict adherence to policy, procedure, monitoring and documentation;
 - (i) restraint, other than for the immediate safety of the children or service providers and as an extreme measure, which measure must be governed by specific policy and procedures compliant with sub-regulations (3), (4) and (5), may be undertaken only by service providers trained in such measure, and must be thoroughly documented and effectively monitored;
 - (j) assignment of exercise or inappropriate chores;
 - (k) undue influence by service providers regarding their religious or personal beliefs including sexual orientation or cross-gendered identity;
 - (l) measures which demonstrate discrimination on the basis of cultural or linguistic heritage, gender, race, religion, sexual orientation or cross-gendered identity;

- (m) verbal, emotional or physical harm;
- (n) punishment by another child; and
- (o) behaviour modification such as punishment or reward systems or privilege systems, other than as a treatment or development technique within a documented individual treatment or development programme which is developed by a team including the child and monitored by an appropriately trained multi-disciplinary team.

(3) A child may be isolated from other children, only if he or she cannot be managed and is deemed to be a danger to himself, herself or others, for a period of no longer than two hours, for the purposes of providing support and giving him or her time to regain control and dignity.

(4) (a) Any child isolated from other children must be under the constant observation of a social worker, child and youth care worker or psychologist, and must be provided with physical care, emotional support, and counselling which assists in re-integration into the group as soon as possible.

(b) No child may be isolated or locked up as a form of discipline or punishment.

(c) The room where a child is isolated may not be a bathroom or toilet, a windowless room, a basement room, vault or store-room.

(5) A register must be maintained which details the reasons for and the period of a child's isolation, together with a report on the support and counselling provided and the response of the child during the period of isolation.

Reporting responsibilities of staff

77. The following incidents must be reported by staff members to the manager of the child and youth care centre within an hour of the discovery or reporting of the incident:

- (a) Removal or any attempted removal of a child from the child and youth care centre or programme by anyone who is not permitted to do so;

- (b) any situation in which restraint, isolation, or prohibited behaviour management measures are used;
- (c) accident or illness requiring medical attention or hospitalisation;
- (d) allegations of physical, psychological, emotional, sexual or verbal abuse;
- (e) absence of a child or young person from the centre without permission, or as otherwise agreed within the individual development plan;
- (f) interventions by security personnel or the South African Police Service;
- (g) the death or injury of a child;
- (h) any criminal charge or conviction of a service provider, volunteer or other adult involved with the centre;
- (i) any substance abuse by a service provider while on duty or when he or she arrives on duty under the influence of alcohol or drugs or he or she deals in drugs;
- (j) any strike by workers at the centre; or
- (k) any other unusual circumstances that are likely to affect the safety or well-being of any child at the centre.

Application for registration of child and youth care centre

78.(1) An application for the registration, conditional registration of a child and youth care centre by an organisation referred to in section 197 of the Act or renewal of such registration must be lodged with the provincial head of social development of the province in which the facility is situated in a form identical to **Form 48**.

(2) An application contemplated in sub-regulation (1) must contain the following particulars:

- (a) The particulars of the applicant;
- (b) the physical and postal address of the child and youth care centre;
- (c) the constitution of the applicant;
- (d) the committees functioning under the management board of the applicant, if any, and the nature of their functions;

- (e) the staff composition employed at a child and youth care centre, including staff for the care of children with special needs or disabilities;
- (f) the extent of the premises, buildings and playgrounds;
- (g) particulars on rooms and amenities for use by children;
- (j) particulars of the children that will be or are being cared for at the child and youth care centre;
- (k) access to the building by children with disabilities; and
- (l) a business plan containing-
 - (i) a vision;
 - (ii) a mission;
 - (iii) a child protection plan;
 - (iv) short, medium and long term goals
 - (v) action plans indicating the measures in terms of which those goals referred in sub-paragraph (iv) are to be achieved;
 - (vi) a detailed description of the programme or programmes to be offered in terms of section 191(2) of the Act; and
 - (vii) a certificate issued by the relevant authority to the effect that the child and youth care centre complies with national and local building regulations.
- (m) the financial statements of the child and youth care centre including an exposition of the funds available to operate the child and youth care centre;
- (n) a daily menu and a daily programme of the child and youth care centre;
- (o) an emergency plan; and
- (p) clearance certificates issued by the Director-General and the Director-General of Justice and Constitutional Development, respectively to the effect that the names of any member of the management board appointed in terms of regulation 84 and that of any employee do not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders, respectively.

(3) A provincial head of social development may allocate a designated social worker or social service professional to render assistance to an applicant in the preparation of an application for registration.

Notice and objection to application

79. The provincial head of social development who has received an application for the registration of a child and youth care centre must:

- (a) publish a notice that such an application has been received by him or her, in a local newspaper circulating in the area where the child and youth care centre is or will be situated in at least three official languages within 14 days of the receipt of such an application; and
- (b) indicate in the notice referred to in paragraph (a) that the application is available for scrutiny, comment and objection for a period of 21 days after publication of the notice.

Consideration of application

80.(1) The provincial head of social development must after receipt of the application as contemplated in regulation 78 consider the application in terms of section 200 of the Act.

(2) Upon granting an application contemplated in regulation 78(1) the provincial head of social development must issue the certificate contemplated in section 200(1)(b) of the Act in a form identical to **Form 49** and impose such conditions as he or she may consider necessary.

(3) The provincial head of social development may grant the application referred to in sub-regulation (2) for a period not exceeding five years.

(4) In refusing an application for registration or the renewal of registration of a child and youth care centre, the provincial head of social development must duly inform the applicant of the refusal in a form identical to **Form 50** by registered post and must furnish reasons for such refusal.